



**Austin City Council  
MINUTES**

**REGULAR MEETING  
THURSDAY, MAY 23, 2002**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, May 23, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

**Invocation:** Morgan Allen, Episcopal Theological Seminary of the Southwest

**Mayor Garcia called the meeting to order at 12:09 p.m.**

**Mayor Garcia recessed the meeting at 12:12 p.m. to go into Executive Session.**

**EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

2. Discuss legal issues related to Chapter 5-7, Minority-Owned and Women-Owned Business Enterprise Procurement Ordinance.
3. Discuss legal issues regarding the Onion Creek Wastewater Corporation's Wastewater Facilities. **There was no discussion on this item.**
4. Discuss legal issues related to the development of Davenport Rim at Loop 360 and Waymaker Way. **There was no discussion on this item.**
6. Discuss acquisition of land for Greenway and Destination Parks (November 1998 Bond Election.) **There was no discussion on this item.**

**Executive Session ended at 1:36 p.m.**

**Mayor Garcia called the meeting back to order at 1:38 p.m.**

**1:30 P.M. CITIZEN COMMUNICATIONS: GENERAL**

7. Jimmy Castro - Children's Hospital of Austin
8. Robert L. Thomas - To discuss building and employment for athletes at the Rosewood Recreation Center.

9. Susana Almanza - Stop Gentrification/Displacement of Barrio People! Equity for East Austin.
10. Jose Quintero - Stop! Stop! Displacement in the Barrio.
11. Donld J. Zappone - Citizen Comment: RE: Children's Mental Health
12. Jennifer L. Gale - Announcement for Mayor of the Capitol City of Texas: Jennifer Gale's Platform - **ABSENT**
13. David Evans - Austin Area Human Services Association (AAHSA) Mental Health Needs
14. Bill Wigmore - Austin Recovery
15. Gus Pena - (1) Expedite Low Income Affordable Housing, Transitional Housing for Homeless Families. (2) No Budget Cuts that will adversely impact the poor, Have Nots, Senior Citizen and Youth Sports Education Issues.
16. Mary R. Robinson - Support and empathy to our Budget Managers, City Council and City management for their tough painful task balancing the city's budget this year. What will the budget schedule be this year? What can we do as the public to lend positive assistance and help to these efforts? - **ABSENT**

### **CONSENT AGENDA**

**The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Slusher's motion, Council Member Alvarez' second by a 7-0 vote.**

**Items 17 through 19 were pulled for discussion.**

20. Approve a resolution regarding alternatives for the hospital district.  
**Resolution No. 020523-20 was approved.**
21. Approve an ordinance to amend Ordinance No. 010910-02 the 2001-02 Capital Budget of the Primary Care Department by appropriating \$393,629 to a new account, "New Hospital Start-Up Operations". (Funding will be provided through a reduction in charity care payments to Seton Medical Center.)  
**Ordinance No. 020523-21 was approved.**
22. Approve an ordinance authorizing the execution of Amendment One to the Letter of Credit and Reimbursement Agreement relating to the "City of Austin, Texas, Combined Utility Systems Commercial Paper Notes, Series A" substituting Bayerische Landesbank for Dexia Credit Local de France as a participant in the credit facility, and approval of all related documents.  
**Ordinance No. 020523-22 was approved.**
23. Approve a resolution authorizing execution of an amendment to the legal services contract with ANDREWS & KURTH MAYOR DAY CALDWELL & KEETON, L.L.P., Austin, Texas, to provide legal counsel to the City regarding the City's Minority-Owned, Women-Owned, and Disadvantaged-Owned Business Enterprise Program, in an amount of \$75,000, for a total contract amount not to exceed \$331,000. (Funding is available in the 2001-2002 Approved Operating Budget of the Economic Development Fund.)  
**Resolution No. 020523-23 was approved.**

**Item 24 was pulled for discussion.**

25. Approve a resolution authorizing the execution of the Promissory Note, the Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §5308, the Deed of Trust, the Custodial Agreement and other loan documents necessary to authorize issuance of the Promissory Note in an amount not to exceed

\$6,030,000 and the incorporation by reference in the Note and Contract of certain Fiscal Agency/Trust agreements entered into by the Secretary of the United States Department of Housing and Urban Development to finance the construction of the Austin Resource Center for the Homeless which will be located at 500 East Seventh Street. (Estimated annual debt service for Fiscal Year 2003 in the amount of \$545,000 has been included in the Fiscal Year 2002-2003 Proposed Operating Budget of the Neighborhood Housing and Community Development Office as Section 108 Debt Service for construction of the Austin Resource Center for the Homeless.) (Recommended by the Ad Hoc Committee of the Community Development Commission) (Related Item No. 26)

**Resolution No. 020523-25 was approved.**

26. Approve an ordinance authorizing acceptance of \$6,030,000 in loan proceeds under the Section 108 Loan Guarantee Assistance Program from the U.S. Department of Housing and Urban Development (HUD) and amend Ordinance No. 010910-02, the 2001-2002 Capital Budget of the Neighborhood Housing & Community Development Department by appropriating \$6,030,000 in Section 108 Loan Guarantee Assistance Funds for the Austin Resource Center for the Homeless. (Recommended by the Ad Hoc Committee of the Community Development Commission) (Related Item No. 25)

**Ordinance No. 020523-26 was approved.**

27. C14-01-0161 – Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13505 RR 620 North (Lake Creek Watershed) from I-SF-2, Interim-Single Family Residence Standard Lot district, zoning to NO-CO, Neighborhood Office-Conditional Overlay Combining district, zoning. First Reading on February 7, 2002. Vote: 5-0, Griffith and Goodman of the dais. Second Reading on April 25, 2002. Vote: 7-0. Conditions met as follows: Restrictive covenant addresses additional conditions accepted by the applicant on second ordinance reading. Applicant: KAF II Development Co. (Ford Smith, Jr.). Agent: Thrower Design (Ron Thrower) and Griffin Engineering Group, Inc. (Greg Griffin, P.E.). City Staff: Sherri Gager, 974-3057. (continued from 4-25-02)

**Ordinance No. 020523-27 was approved.**

**Items 28 through 33 were pulled for discussion.**

34. Approve a resolution authorizing execution of an artwork commission contract not to exceed \$45,000 with CARL TROMINSKI, Austin, Texas, for an enhancement of the Lamar Railroad Bridge Underpass at 3rd & South Lamar Boulevard including a series of blue reflective signs attached to the retaining walls, blue lighting underneath the bridge, and paint coverage of the retaining walls. (Funding in the amount of \$60,000 in the 2001-2002 budget for the Cultural Arts Fund including artwork commission contract and administrative costs of the project.) (Recommended by Art in Public Places Panel and Austin Arts Commission)

**Resolution No. 020523-34 was approved.**

35. Approve a resolution authorizing the execution of a 12-month agreement between the City of Austin and the Austin Area Inter-religious Ministries to provide mentor services for youth in an amount not to exceed \$25,000 with two 12-month extension options in an amount not to exceed \$25,000 per extension for a total amount not to exceed \$75,000. (Funding in the amount of \$25,000 is included in the 2001-2002 Operating Budget of the Austin Police Department Special Revenue Fund, Juvenile Accountability Incentive Block Grant. Funding for the continued operation of this program is contingent upon available funding in future budgets.)

**Resolution No. 020523-35 was approved.**

36. Approve a resolution authorizing the execution of an 12-month agreement between the City of Austin and the Austin Area Urban League to operate a Diversion Center for juveniles who have committed Class C offenses in an amount not to exceed \$227,045 with two 12-month extension options in an amount not to exceed \$227,045 per extension for a total amount not to exceed \$681,135. (Funding in the amount of \$227,045 is included in the 2001-2002 Operating Budget of the Austin Police Department Special Revenue Fund, Juvenile Accountability Incentive Block Grant. Funding for the continued operation of this program is contingent upon available funding in future budgets.)  
**Resolution No. 020523-36 was approved.**
37. Approve a resolution authorizing negotiation and execution of an Interlocal Collaborative Agreement for 2002 between the TEXAS ASSOCIATION OF COMMUNITY HEALTH CENTERS, Austin, Texas, and the City of Austin's Primary Care Department (PCD) to receive a grant award of \$180,000 in equipment and services to establish automated and telehealth patient services, and for the City to commit matching funds in the amount of \$18,000. (Funding in the amount of \$18,000 is available in the 2001-2002 approved operating budget for the Primary Care Department.)  
**Resolution No. 020523-37 was approved.**
38. Approve a resolution authorizing fee simple acquisition of 1.854 acres of right-of-way and 0.070 acres for a slope easement out of and part of the William Cannon Survey No.19, in Travis County, Texas from John Stephen Fain for the Dittmar Road from Manchaca to South 1st Street Project, in the amount of \$586,515. (Funding is included in the 2001-2002 Amended Capital Budget of Transportation Planning & Sustainability Department.)  
**Resolution No. 020523-38 was approved.**
39. Approve a resolution authorizing execution of a construction contract with TOTAL ROOFING SERVICES, INC., Austin, Texas, for reroofing and HVAC replacement at the Austin History Center, in the amount of \$227,202.82. (Funding is included in the 2001-2002 Capital Budget of the Library Department. Only bid received. 23.08% MBE, 0% WBE subcontracting participation.)  
**Resolution No. 020523-39 was approved.**
40. Approve a resolution authorizing execution of a construction contract with RYAN-O EXCAVATING, INC., Lockhart, Texas, for the South U.S. 183 Wastewater Improvements Project, in the amount of \$566,920.83 plus \$85,038.12 contingency, for a total contract amount not to exceed \$651,958.95. (Funding in the amount of \$651,958.95 is available in the Fiscal Year 2001-2002 Capital Budget of the Water & Wastewater Utility.) Low bid of eight received. 24.62% MBE, 8.82% WBE subcontracting participation. (Reviewed by Water and Wastewater Commission)  
**Resolution No. 020523-40 was approved.**
41. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with EARTH TECH, INC., Austin, Texas, for professional engineering services for the Del Valle Water and Wastewater Annexation Project, in the amount of \$357,824.84, for a total contract amount not to exceed \$1,857,824.84. (Funding in the amount of \$357,824.84 is available in the Fiscal Year 2001-2002 Amended Capital budget of the Water & Wastewater Utility.) Overall participation for this project including this Phase is 8.9% African-American, 2.7% Hispanic, 1.1% Native/Asian-American, 13.1% WBE.  
**Resolution No. 020523-41 was approved.**

42. Approve a resolution \_\_\_\_\_ negotiation and execution of a contract with ABB, INC., Raleigh, NC, to provide Distribution System Assessment research services in an amount not to exceed \$100,000. (Funding is available in the 2001-2002 Amended Operating Budget for the Electric Utility Department.) Best proposal/five proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.  
**Resolution No. 020523-42 was approved.**
43. Approve a resolution authorizing a 12-month service agreement with HAVERFIELD CORP., Carroll Valley, PA, for insulator washing and maintenance in an amount not to exceed \$228,300 with three 12-month extensions in an amount not to exceed \$228,300 per extension for a total contract amount not to exceed \$913,200. (Funding in the amount of \$76,100 was included in the 2001-2002 Approved Operating Budget of the Electric Utility Department. Funding for the balance of the contract and the extension options is contingent upon available funding in future budgets.) Low bid/three bids received. This contract will be awarded in compliance with the 1996 M/WBE Ordinance, as amended. No goals were established for this contract. The Contractor will perform all services.  
**Resolution No. 020523-43 was approved.**
44. Approve a resolution authorizing execution of a contract with COMMERCIAL BODY CORPORATION, San Antonio, Texas, for the purchase and installation of service bodies on City owned truck chassis for the Electric Utility Department in an amount not to exceed \$87,173. (Funding was included in the 2001-2002 Amended Capital Budget of the Electric Utility Department.) Low bidder/four bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.  
**Resolution No. 020523-44 was approved.**
45. Approve a resolution authorizing modification No. 4 to the contract with YPS FACILITY SERVICES, Austin, Texas, for maintenance, operation and training services for Austin Energy district cooling plants in an amount not to exceed \$408,000 for the first extension option, for a total contract amount not to exceed \$1,050,000. (Funding in the amount of \$408,000 is available in the 2001-2002 Approved Operating Budget for the Electric Utility Department.) This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.  
**Resolution No. 020523-45 was approved.**
46. Approve a resolution authorizing negotiation and execution of a contract with AMERICAN MANAGEMENT SYSTEMS, INC., (AMS) Fairfax, VA, to assist the City of Austin in evaluating the need to upgrade the current financial system and the City's current accounting and procurement requirements in a total amount not to exceed \$150,000 (Funding is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department.) Sole Source. This is a sole source procurement because this is proprietary software that is produced for and is compatible with our current AMS financial system software. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.  
**Resolution No. 020523-46 was approved.**

**Item 47 was pulled for discussion.**

48. Approve a resolution authorizing execution of a contract with OSHKOSH TRUCK CORPORATION, Oshkosh, Wisconsin, for the purchase of one aircraft rescue and firefighting truck for the Austin-Bergstrom International Airport in the amount of \$568,590. (Funding was included in the 2001-2002 Capital Budget of the Aviation Department.) Only bidder. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The truck is being provided by the manufacturer and will be delivered directly to the City. There is no opportunity for subcontracting, therefore, no goals were established for this solicitation.  
**Resolution No. 020523-48 was approved.**
49. Approve a resolution authorizing execution of a 12-month supply agreement with TESSCO, INC., Hunt Valley, Maryland, for the purchase of two-way radio parts and accessories in an amount not to exceed \$65,000 with two 12-month extension options in an amount not to exceed \$70,000 per extension for a total contract amount not to exceed \$205,000. (Funding in the amount of \$21,666.67 was included in the 2001-2002 Approved Operating Budget of the Wireless Communications Services Office. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid/four bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.  
**Resolution No. 020523-49 was approved.**
50. Approve a resolution to rescind the award of a contract to G & K SERVICES, INC., Buda, Texas, and approve execution of a 12-month service agreement with UNIFIRST HOLDINGS LP, Austin, Texas for floor mat rental services in an amount not to exceed \$60,483.80 with two 12-month extension options in an amount not to exceed \$60,483.80 per extension for a total contract amount not to exceed \$181,451.40. (Funding in the amount of \$32,435.87 was included in the 2001-2002 Approved Operating Budget of the Finance and Administrative Services Department, Building Services Division and \$7,886.67 was included in the 2001-2002 Approved Operating Budget of the Parks & Recreation Department. Funding for the remaining four months of the original contract period and extension options is contingent upon available funding in future budgets.) Second low bid/two bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.  
**Resolution No. 020523-50 was approved.**
51. Approve a resolution authorizing execution of a 12-month supply agreement with BFI WASTE SYSTEMS OF NORTH AMERICA, INC, Del Valle, Texas, for the lease and maintenance service of portable toilets in an amount not to exceed \$72,444 with two 12-month extension options in an amount not to exceed \$72,444 per extension for a total contract amount not to exceed \$217,332. \_\_\_\_\_ in the amount of \$30,185 was included in the 2001-2002 Approved Operating Budget of the Parks and Recreation Department. Funding for the remaining seven months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid/three bids received. This contract will be awarded in compliance with the 1996 MBE WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**Resolution No. 020523-51 was approved.**
52. Approve a resolution authorizing execution of a 34-month contract through the STATE OF TEXAS, DEPARTMENT OF INFORMATION RESOURCES, Austin, Texas, with Language Line LLC, Monterey, CA, for language interpreter services for the Austin Police Department 911 Call Center in the amount not to exceed \$442,000. (Funding in the amount of \$52,000 was

included in the 2001-2002 Operating Budget for the Austin Police Department. Funding for the remaining period is contingent upon available funding in future budgets.)

**Resolution No. 020523-52 was approved.**

53. Approve a resolution authorizing execution of a construction contract with TOTAL ROOFING, Austin, Texas, for roof replacement at South Austin Health Center and South Austin Multi-purpose Center, in the amount of \$217,352. (Funding was included in the 2001-2002 Approve Capital Budget of General Government (Building Maintenance). Sole bid. 22.98% MBE, 0% WBE subcontracting participation.

**Resolution No. 020523-53 was approved.**

54. Approve a resolution authorizing negotiation and execution of a contract with ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE (ESRI) INC., Redlands, California, to supply consultant services to upgrade and enhance the Water & Wastewater Utility's Geographic Information System (GIS) to enable future integration with the Utility's Computerized Maintenance Management System (CMMS) in an amount not to exceed \$599,352. (Funding is available in the Fiscal Year 2001-2002 Capital Budget of the Water & Wastewater Utility.) Best proposal received of eight received. 14.33% MBE, 0% WBE subcontracting participation.

**Resolution No. 020523-54 was approved.**

55. Approve an ordinance amending Chapter 5-7 of the City Code, the City's Minority-Owned and Women-Owned Business Enterprise (MBE/WBE) Procurement Program. (Approved by MBE/WBE Advisory Committee and MBE/WBE Council Subcommittee)

**Resolution No. 020523-55 was approved.**

56. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for a portable changeable message sign for traffic control during incidents and special events in the amount of \$23,000. [Funding in the amount of \$18,400 is available from TxDOT in Federal Surface Transportation program (STP) 4C funds, \$4,600 (20% matching funds) are available in the 2001-2002 Transportation, Planning and Sustainability Department Amended Capital Budget.] (Related Item No. 57)

**Resolution No. 020523-56 was approved.**

57. Approve an ordinance authorizing acceptance of \$18,400 in grant funds from Texas Department of Transportation; amend Ordinance amend Ordinance No. 010910-02, the 2001-2002 Capital Budget of the Transportation, Planning and Sustainability Department by creating a new project called Portable Changeable Message Signs - 2002 and appropriating \$18,400 for a Portable Changeable Message Sign. [Funding in the amount of \$18,400 is available from TxDOT in Federal Surface Transportation program (STP) 4C funds, \$4,600 (20% matching funds) are available in the 2001-2002 Transportation, Planning and Sustainability Department Amended Capital Budget.] (Related Item No. 56)

**Ordinance No. 020523-57 was approved.**

58. Adopt a resolution approving the release of 54.5 acres of extraterritorial jurisdiction (ETJ) from the City of Austin to the City of Manor. (The acreage is located on Gregg Manor Road immediately north of the Manor ISD high school campus).

**The item was postponed indefinitely.**

59. Approve a resolution authorizing negotiation and execution of an Interlocal Agreement with Texas Turnpike Authority for the cost of required right-of-way for SH 45 in an amount not to

exceed \$58,200,000 and authorize the City Manager to terminate the existing SH 45 Interlocal Agreement with Williamson County, Texas.

**Resolution No. 020523-59 was approved.**

60. Approve a resolution accepting Minute Orders from the Texas Transportation Commission related to the construction of SH 130, and authorize execution of an Interlocal Agreement with the Texas Turnpike Authority (TTA) for the City's participation in the construction of SH 130, in an amount not to exceed \$15,000,000. (Funding is available in the 2001-2002 Amended Capital Budget of the Transportation, Planning & Sustainability Department.)

**Resolution No. 020523-60 was approved.**

**Items 61 through 63 were pulled for discussion.**

64. Approve a resolution authorizing execution of Change Order No. 3 to the construction contract with RYAN-O EXCAVATING, Lockhart, Texas, for replacement of additional services and additional pavement repair on the Northwest Area PB Service Replacement project, in the amount of \$144,470 for a total contract amount of \$1,287,365.99. (Funding in the amount of \$144,470 is available in the 2000-2001 Amended Capital Budget of the Water and Wastewater Utility.) Overall subcontractor participation, including this change order: 2.33% African-American, 18.02% Hispanic, 0.70% Native/Asian-American and 7.38% WBE. (Recommended by Water and Wastewater Commission)

**Resolution No. 020523-64 was approved.**

**Item 65 was pulled for discussion.**

66. Approve a resolution authorizing negotiation and execution of a professional services agreement with BROWN AND CALDWELL, Austin, Texas, for preliminary engineering, design and construction phase services for the Walsh Tract Lift Station Rehabilitation, in an amount not to exceed \$325,000. (Funding for these services is available in the 2001-2002 Amended Capital Budget of the Water and Wastewater Utility.) Best of seven qualified statements submitted. 10% MBE, 18.20% WBE subconsulting participation. (Recommended by Water and Wastewater Commission)

**Resolution No. 020523-66 was approved.**

67. Set a public hearing to consider an Ordinance establishing an administrative process for variances from Land Development Code requirements for wastewater collection system construction projects required to comply with an Administrative Order issued by the U.S. Environmental Protection Agency (EPA) requiring the elimination of Sanitary Sewer Overflows (SSOs) from the City's wastewater collection system. This approval simply establishes a public hearing to receive input from the Citizens of Austin. (Environmental Board Review - 5/15/02; Parks and Recreation Board Review - 5/28/02; Water and Wastewater Commission Review - 6/5/02; and Planning Commission on 6/12/02.) (Recommended Date and Time: June 27, 2002 at 6:00 P.M.)

**Resolution No. 020523-67 was approved.**

68. Set a public hearing to consider a variance request to allow construction of a single family residence in the 100-year and 25-year floodplains of Country Club Creek at 4500 Elana Court. (Suggested Date and Time: June 27, 2002 at 6:00 p.m.)

**This item was removed from the agenda and postponed indefinitely at the applicant's request.**



69. Appointments to Boards and Commissions.  
Arts Commission  
Sue S. Graze appointment Wynn
- Community Development Commission  
Robert Sessa appointment Griffith
70. Approve an ordinance waiving certain fees and requirements under Chapter 15-11 of the City Code and closing certain streets for the MADD-Heart of Texas Jingle Bell 5K to be held on December 14, 2002. (Council Member Danny Thomas)  
**Ordinance No. 020523-70 was approved. Mayor Garcia abstained.**
71. Approve an ordinance waiving the payment of certain fees for the Pre-Juneteenth Parade on June 18, 2002, and authorizing the City to co-sponsor the event. (Council Member Danny Thomas)  
**Ordinance No. 020523-71 was approved. Mayor Garcia abstained.**
72. Approve an ordinance waiving certain fees and requirements under Chapter 15-11 of the City Code, closing certain streets, and authorizing payment of certain fees for the Juneteenth Parade to be held on June 19, 2002, and authorizing the City to co-sponsor the event. (Council Member Danny Thomas)  
**Ordinance No. 020523-72 was approved. Mayor Garcia abstained.**
73. Approve an ordinance on second/third reading amending Sections 16-5-22 and 16-5-98 of the City Code related to parking in a front or side yard of a residential property. (Council Member Danny Thomas)  
**This item was postponed to July 11, 2002.**
74. Approve a resolution recognizing the "Matricula Consular" as official identification for the City of Austin's services and programs. (Council Member Raul Alvarez and Mayor Gus Garcia)  
**Resolution No. 020523-74 was approved.**
75. Approve a resolution appointing City Council Members to the Capital Metropolitan Transportation Authority (CMTA) Board (Mayor Gus Garcia)  
**Resolution No. 020523-75 was approved, appointing Council Member Danny Thomas to the CMTA, effective June 11, 2002.**
76. Approve a resolution directing the City Manager to explore a program to identify the top polluters of Barton Springs and its contributing creeks and report back to Council with an action plan for implementation; Consider the involvement of other public agencies as well as private participation, attempting to do so within existing resources. (Council Member Daryl Slusher, Council Member Raul Alvarez and Mayor Pro Tem Jackie Goodman).  
**Resolution No. 020523-76 was approved.**
77. Approve a resolution directing the City Manager to initiate a program of energy audits for live music venues in the downtown area (Council Member Will Wynn and Council Member Daryl Slusher and Mayor Pro Tem Goodman).  
**Resolution No. 020523-77 was approved.**
78. Approve a resolution directing the City Manager to consider changes to the notification requirements for wireless communication towers (Mayor Pro Tem Jackie Goodman and Mayor Gus Garcia)

**Resolution No. 020523-78 was approved.**

### **BRIEFING**

79. Briefing and presentation by Mayor's Committee on the K through 12 Educational Excellence (Mayor Gus Garcia)  
**The presentation was made by Sandy Liebick, Olga Cuella, Stella Roland, Liewen Ann Lee, Tamara Smith and Rafeal Quintanilla. The motion to accept the Committee's proposal was approved on Council Member Thomas' motion, Council Member Alvarez' second on a 5-0 vote. Mayor Pro Tem Goodman and Council Member Slusher were off the dais.**

### **DISCUSSION ITEMS**

17. Approval of minutes from work session of May 15, 2002 and regular meeting of May 16, 2002.  
**The minutes from work session of May 15, 2002 and regular meeting of May 16, 2002 were approved on Council Member Thomas' motion, Mayor Garcia's second by a 6-0 vote. Council Member Slusher was off the dais.**
18. Approve a resolution authorizing negotiation and execution of a 12-month revenue agreement with STATE, METROPOLITAN AND COUNTY SERVICES, Arlington, Texas, for the collection of delinquent Municipal Court cases with estimated annual net to general fund revenue of \$868,000 with three 12-month extension options with estimated revenue of \$868,000 per extension for total estimated contract revenue of \$3,472,000. (Funding in the amount of \$144,666 estimated revenue in the current fiscal year. Revenue for the remaining 10 months of the original contract period and extension options will be included in future budgets.) Best proposal/nine proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established. (Continued from May 9, 2002 and May 16, 2002)  
**Resolution No. 020523-18 was approved, awarding the contract to the alternate bidder -- Municipal Services Bureau and directing staff to evaluate and report back to the Judicial Sub-Committee in one year on Council Member Wynn's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**
32. Approve an ordinance on second/third reading amending the Austin Tomorrow Comprehensive Plan by adopting the Bouldin Creek Neighborhood Plan for the area bounded by Town Lake to the north, South Congress Avenue to the east, Oltorf Street to the south, and the Union Pacific Railroad Tracks to the west. (There is no fiscal impact associated with adopting the Bouldin Creek Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$552,497 (plus \$7,200 annual maintenance costs). This plan is advisory and does not legally obligate the Council to implement any particular recommendation.)  
**Ordinance No. 020523-32 was approved, adopting the Neighborhood Plan as approved on first reading, with changes consistent with the mediation agreement for Tract 24, on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

**The motion to reconsider this item for clarification was approved on Council Member Wynn's motion, Mayor Garcia's second by a 7-0 vote.**

**Ordinance No. 020523-32 was approved, adopting the Neighborhood Plan as approved on first reading, with changes consistent with the mediation agreement for Tract 24, and change the future land use map Tract 68 (Southside Church of Christ) from multifamily to**

**Mixed Use, on Council Member Alvarez' motion, Council Member Griffith's second by a 7-0 vote.**

33. C14-02-0031 - Bouldin Creek Neighborhood Plan Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Bouldin Creek Neighborhood Plan area bounded by Town Lake to the north, Oltorf Street to the south, South Congress Avenue to the East, and the Union Pacific Railroad Tracks to the west (East Bouldin, West Bouldin and Town Lake Watersheds). The proposed zoning change will:
- the plan area; 2) permit the neighborhood mixed use building special use for Tracts 1-5, 11-18, 22-23, 25-27, 31, 33-57, 59-64, 67, and 69-89; and 3) change the base zoning districts on 102 tracts of land: from: SF-3 (Family Residence district); SF-3-H (Family Residence-Historic Combining district); MF-2 (Multi-Family Residence-Low Density district); MF-3 (Multi-Family Residence-Medium Density district); MF-3-H (Multi-Family Residence-Medium Density-Historic Combining district); MF-4 (Multi-Family Residence-Moderate-High Density district); NO (Neighborhood Office district); NO-CO (Neighborhood Office-Conditional Overlay Combining district); LO (Limited Office district); GO-CO (General Office-Conditional Overlay Combining district); LR (Neighborhood Commercial district); LR-CO (Neighborhood Commercial-Conditional Overlay Combining district); LR-H (Neighborhood Commercial-Historic Combining district); GR (Community Commercial district); CS (General Commercial Services district); CS-H (Commercial Services-Historic Combining district); CS-MU-CO (Commercial Services-Mixed Use-Conditional Overlay Combining district); CS-1 (Commercial Liquor Sales district), CS-1-CO (Commercial Liquor Sales-Conditional Overlay Combining district), zoning, to: SF-3-NP (Family Residence-Neighborhood Plan Combining district); SF-4A-NP (Single Family Residence-Small Lot- Neighborhood Plan Combining district); SF-6-NP (Townhouse & Condominium District-Neighborhood Plan Combining district); MF-4-NP (Multi-Family Residence-Moderate-High Density-Neighborhood Plan Combining district); NO-MU-NP (Neighborhood Office-Mixed Use-Neighborhood Plan Combining district); LO-MU-NP (Limited Office-Mixed Use-Neighborhood Plan Combining district); LO-CO-NP (Limited Office-Conditional Overlay-Neighborhood Plan Combining district); LO-MU-CO-NP (Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district); LR-CO-NP (Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining district); LR-MU-CO-NP (Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district); GR-CO-NP (Community Commercial-Conditional Overlay-Neighborhood Plan Combining district); GR-MU-CO-NP (Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district); GR-MU-CO-H-NP (Community Commercial-Mixed Use-Conditional Overlay-Historic-Neighborhood Plan Combining district); CS-NP (Commercial Services-Neighborhood Plan Combining district); CS-CO-NP (Commercial Services-Conditional Overlay-Neighborhood Plan Combining district); CS-MU-CO-NP (Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district); CS-MU-CO-H-NP (Commercial Services-Mixed Use-Conditional Overlay-Historic-Neighborhood Plan Combining district); CS-1-NP (Commercial Liquor Sales-Neighborhood Plan Combining district); CS-1-CO-NP (Commercial Liquor Sales-Conditional Overlay-Neighborhood Plan Combining district); CS-1-MU-CO-NP (Commercial Liquor Sales-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district); P-NP (Public-Neighborhood Plan Combining district), zoning with conditions. First Reading on April 18, 2002. Vote 6-0, Griffith of the dais. City Staff: Scott Whiteman, Neighborhood Planning & Zoning Department, 974-2865; Wendy Walsh, Neighborhood Planning & Zoning Department, 974-7719. Note: Valid petitions in opposition to this request have been filed by individual property owners and by property owners adjacent to tracts proposed for rezoning.

**Ordinance No. 020523-33 was approved, adopting the NPCD rezoning as approved on first reading, except Tract 24, on Mayor Pro Tem Goodman's motion, Mayor Garcia's second by a 7-0 vote.**

**The motion to approve staff's recommendation to maintain the MF-4-NP zoning for Tract 68 passed on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

**The motion to approve Tract 24 zoning, consistent with the mediation agreement, passed on Council Member Alvarez' motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

**Mayor Garcia recessed the meeting at 5:31 p.m. to go into Live Music and Proclamations.**

**Mayor Garcia called the meeting back to order at 5:56 p.m.**

**Mayor Garcia recessed the meeting at 5:56 p.m. to go into Executive Session.**

#### **EXECUTIVE SESSION**

1. Discuss legal issues related to *Longhorn Partners Pipeline, L.P. v. City of Austin*, et. al, Case No. A-02-CA-001-SS and *Ethel Spiller, et. al v. Longhorn Partners Pipeline, L.P.*, et. al., Case No. A 98 CA 255 SS, in the United States District Court for the Western District of Texas, Austin Division, and other legal issues related to hazardous pipelines.
5. Receive legal advice regarding the creation of a hospital district.

**Executive Session ended at 7:39 p.m. Mayor Garcia called the meeting back to order.**

#### **DISCUSSION ITEMS CONTINUED**

19. Approve a resolution authorizing the City Manager or designee to negotiate and execute all documents related to the acquisition of approximately 198 acres located near East 51st Street and Springdale Road for development of Greenway & Destination parks, to be purchased with November 1998 bond funds.  
**Resolution No. 020523-19 was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**
28. C14-01-0177 – Cedar Door Bar - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600 Block of Toomey Road (Town Lake Watershed) from CS, General Commercial Services district, zoning to CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning. First Reading on February 7, 2002. Vote: 5-1, Thomas nay, Goodman off the dais. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Susan Toomey Frost. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.  
**The motion to close the public hearing was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.**

**Ordinance No. 020523-28 was approved on Mayor Pro Tem Goodman's motion, Council Member Griffith's second by a 7-0 vote.**

**ZONING CONSENT**

**The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Wynn's motion, Council Member Slusher's second by a 7-0 vote.**

- Z-1. C814-88-0001.07 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2800 Waymaker Way (Lake Austin Watershed) from PUD, Planned Unit Development district, zoning to PUD, Planned Unit Development district, zoning in order to change conditions of zoning. Zoning and Platting Recommendation: To grant PUD, Planned Unit Development district, zoning with conditions. Applicant: Parmer Ridge Limited (John Lloyd). Agent: Armbrust, Brown and Davis (Kris Kasper) City Staff: Glenn Rhoades, 974-2775.  
**The first reading of the ordinance was approved.**
- Z-2. C814-88-0001 (RCA) - Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 2800 Waymaker Way (Lake Austin Watershed). Zoning and Platting Recommendation: To grant the restrictive covenant amendment with conditions. Applicant: Parmer Ridge Limited (John Lloyd). Agent: Armbrust, Brown and Davis (Kris Kasper) City Staff: Glenn Rhoades, 974-2775.  
**This item was postponed to July 11, 2002.**
- Z-3. C14-01-0154 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2807 South 1st Street (East Bouldin Watershed) from SF-3-NP, Family district, zoning to LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, zoning. Planning Commission Recommendation: To grant LR-MU-CO-NP, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining district, zoning. Applicant: John Cavness. Agent: Denise Cavness. City Staff: Glenn Rhoades, 974-2775  
**Ordinance No. 020523-Z3 was approved.**
- Z-4. C814-01-0065 - Bear Lake P.U.D. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the southeast corner of S.H. 45 and F.M. 1826 (Slaughter / Bear Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to P.U.D., Planned Unit Development district, zoning. Zoning and Platting Commission Recommendation: To grant P.U.D., Planned Unit Development district, zoning with conditions. Applicant and Property Owner: Stratus Properties (Kenneth Blaker). Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP. (Michele Haussmann). City Staff: Wendy Walsh, 974-7719. (continued from 12/13/01, 1/17/02, 2/14/02, 3/21/02, and 4/18/02)  
**This item was postponed to June 27, 2002 at staff's request.**
- Z-5. C14-02-0040.101 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northeast corner of West Slaughter Lane and FM 1826, a 57 acre tract of land, more or less, out of the Jesse Williams Survey No. 62 and the John Moore Survey No. 66, Travis County, Texas (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to GR-MU, Community Commercial-Mixed Use-Combining district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-6. C14-02-0040.102 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the south side of West Slaughter Lane, beginning at a point approximately 1,200 feet east of FM1826 (between the water tank and Escarpment Blvd.), a 68 acre tract of land, more or less, out of the John Moore Survey No. 66, the Jesse Williams Survey No. 62, the John Bright Survey No. 63, and the Samuel Hamilton Survey No. 16, Travis County, Texas, (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to CS-MU, General Commercial Services-Mixed Use-Combining district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood \_\_\_\_\_ and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-7. C14-02-0040.103 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the area north of West Slaughter Lane at its intersection with Escarpment Blvd., a 62 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to LR-MU, Neighborhood Commercial-Mixed Use-Combining district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-8. C14-02-0040.104 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the southwest corner of West Slaughter Lane and Escarpment Blvd., a 16 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-9. C14-02-0040.105 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the \_\_\_\_\_ City Code by zoning property locally known as the southeast corner of West Slaughter Lane and Escarpment Blvd., a 9 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-10. C14-02-0040.106 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northwest corner of West Slaughter Lane and South Mopac Expressway (Loop 1), a 12 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-11. C14-02-0040.107 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the southwest corner of West Slaughter Lane and Escarpment Blvd., a 23 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-12. C14-02-0040.108 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northwest corner of West Slaughter Lane and Brodie Lane, a 106 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to GR-MU, Community Commercial-Mixed Use-Combining district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-13. C14-02-0040.109 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the area west of Dahlgreen Avenue and approximately 930 feet south of La Crosse Blvd. (and generally west of Galsworthy Lane, and north & east of Redmond Road and Aylford Court), a 20 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-14. C14-02-0040.110 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the area west of South Mopac Expressway (Loop 1), north of State Highway 45, east of Dahlgreen Avenue and generally east of Beachmont Lane, Bexley Lane and the un-built extension of Escarpment Blvd., north of State Highway 45 and south of La Crosse Avenue and generally

south of Mordred Lane, a 247 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Williamson Creek and Slaughter Creek Watersheds) from I-RR, Interim-Rural Residence district, zoning to CH-PDA, Commercial Highway Services-Planned Development Area district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-15. C14-02-0040.111 – Stratus Properties – Conduct a public hearing and approve an ordinance of the Austin City Code by zoning property locally known as the southeast corner of La Crosse Avenue and South Mopac Expressway (Loop 1), a 17 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-16. C14-02-0040.112 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the area generally east of South Mopac Expressway (Loop 1) and southeast of the proposed extension of La Crosse Avenue (at its terminus adjacent to the Wildflower Research Center), and generally northeast of Wyldwood Drive, a 50 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-17. C14-02-0040.113 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the area west of South Mopac Expressway (Loop 1), approximately 4/5 of a mile south La Crosse Avenue and 2/3 of a mile north of State Highway 45, a 39 acre tract of land, more or less, out of the Samuel Hamilton Survey No. 16, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to RR, Rural Residence district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-18. C14-02-0040.114 – Stratus Properties – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as the northeast corner of State Highway 45 and FM 1826, a 16 acre tract of land, more or less, out of the Corbet Stevens Survey No. 63, Travis County, Texas (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: The Zoning and Platting Commission will



consider this request on May 21, 2002. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. Property Owners: Stratus Properties and others. City Staff: Greg Guernsey, 974-2387.

**This item was postponed to June 27, 2002 at staff's request.**

- Z-19. C14H-02-0003 – Patterson House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Patterson (John M.) Residence, 604 E. 47th Street (Waller Creek Watershed), from SF-3, Family Residence district, zoning to SF-3-H, Family Residence-Historic-Combining district, zoning. Zoning and Platting Commission Recommendation: To grant SF-3-H, Family Residence-Historic-Combining district, zoning. Historic Landmark Commission Recommendation: To grant SF-3-H, Family Residence-Historic-Combining district, zoning. Applicant: James and Barbara Strickland, 454-4310. City Staff: Barbara Stocklin, Transportation, Planning and Sustainability Department, 974-2414.

**Ordinance No. 020523-Z19 was approved.**

- Z-20. C14-02-0028 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4604 - 4610 Teri Road (Williamson Creek Watershed) from LO, Limited Office District Zoning to LR-CO, Neighborhood Commercial - Conditional Overlay Combining District zoning with conditions. Planning Commission Recommendation: To grant LR-CO, Neighborhood Commercial- Conditional Overlay Combining District zoning with conditions. Applicant: Morelia Group, Inc. (Octavio Rosales). Agent: Land Answers (Jim Wittliff). City Staff: Wendy Walsh, 974-7719.

**This item was postponed to July 11, 2002, at the applicant's request.**

**Item Z21 was pulled for discussion.**

80. Conduct a public hearing and consider an ordinance \_\_\_\_\_ the Austin Tomorrow Comprehensive Plan by adopting the Upper Boggy Creek Neighborhood Plan for the area bounded by the former Robert Mueller Municipal Airport site to the north, Airport Boulevard and Walnut and Cedar Avenues to the east, MLK Jr. Boulevard and Manor Road to the south, and IH-35 and the University of Texas to the west. (There is no fiscal impact associated with adopting the Upper Boggy Creek Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$7,524,000. This plan is advisory and does not legally obligate the Council to implement any particular recommendation.)

**This item was postponed to July 18, 2002 at staff's request.**

81. C14-02-0057 – Upper Boggy Creek Neighborhood Plan Rezoning – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the area is bounded on the north by the former Robert Mueller Municipal Airport, on the west by IH-35 and the University of Texas, on the south by MLK Jr. Boulevard and Manor Road, and on the east by Airport Boulevard (Upper Boggy Creek Watershed). The proposed zoning change will: 1) add a NP, Neighborhood Plan Combining District (NPCD) to each base zoning district in the plan area; 2) permit the secondary apartment and small lot amnesty special uses on any lot in the area; 3) permit a neighborhood mixed use building special use for Tracts 4-7, 12, 13, 19, 22-27, 29, 33-34, 36a, 36b, 37, 40-43, 45-46, 52a, 52b, 53-60, 62-63; 4) permit neighborhood urban center special use for Tracts 7, 58-59, 62; 5) add a conditional overlay (CO) combining district for 54 tracts, including Tracts 2-9, 11-14, 19-20, 22-29, 31-34, 36a, 36b, 37-38, 40-46, 52a, 52b, 53-56, 57a, 57b, 57c, 57d, 57e, 58-63; and 6) change the base zoning districts on 63 tracts of land:

from: Family Residence (SF-3) district, Multi-Family Residence-Medium Density (MF-3) district, Multifamily Residence Moderate-High Density (MF-4) district, Limited Office (LO) district, Neighborhood Office-Historic Combining (NO-H) district, General Office (GO) district, Neighborhood Commercial (LR) district, Community Commercial (GR) district, General Commercial Services (CS) district, Commercial-Liquor Sales (CS-1) district, and Limited Industrial Service (LI) district; to: grant Family Residence-Neighborhood Plan Combining (SF-3-NP) district, Multi-family Residence-Medium Density-Neighborhood Plan Combining (MF-3-NP) district, Multifamily Residence Moderate-High Density-Neighborhood Plan Combining (MF-4-NP) district, Limited Office-Conditional Overlay-Neighborhood Plan Combining (LO-CO-NP) district, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (LO-MU-CO-NP) district, Limited Office-Historic-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (LO-H-MU-CO-NP) district, General Office-Conditional Overlay-Neighborhood Plan Combining (GO-CO-NP) district, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining (LR-CO-NP) district, Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (LR-MU-CO-NP) district, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (GR-MU-CO-NP) district, Community Commercial-Conditional Overlay-Neighborhood Plan Combining (GR-CO-NP) district, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining (CS-CO-NP) district, General Commercial Services-Mixed Use-Neighborhood Plan Combining (CS-MU-NP) district General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (CS-MU-CO-NP) district, Commercial Liquor Sales- Mixed Use-Conditional Overlay-Neighborhood Plan Combining (CS-1-MU-CO-NP) district, and Limited Industrial Service-Mixed Use-Conditional Overlay-Neighborhood Plan (LI-MU-CO-NP) district. Planning Commission Recommendation: The Planning Commission will consider this rezoning request on June 12, 2002. City Staff: Mark Walters, Neighborhood Planning & Zoning Department, 074-7695; Annick Beaudet, Neighborhood Planning & Zoning Department, 974-2975.  
**This item was postponed to July 18, 2002 at staff's request.**

### **ZONING DISCUSSION**

- Z-21. C14-02-0033 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 900 East Braker Lane (Walnut Creek Watershed) from GR, Community Commercial district, zoning to CS-1, Commercial-Liquor Sales district, zoning. Zoning and Platting Commission Recommendation: To deny CS-1, Commercial-Liquor Sales district, zoning. Applicant: Tom Calhoun. Agent: Jerry Jackson. City Staff: Annick Beaudet, 974-2975.

**The public hearing was closed on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.**

**The motion to reopen the public hearing to allow the applicant time for rebuttal was approved on Council Member Griffith's motion, Council Member Slusher's second on a 7-0 vote.**

**The public hearing was closed on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.**

**The motion to adopt staff's recommendation by denying the zoning change was approved on Council Member Slusher's motion, Council Member Wynn's second by a 7-0 vote.**

29. C14-02-0005 - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1100 Stassney Lane West (Williamson Creek Watershed) from LR, Neighborhood district, zoning; MF-2, Multi-family Residential Low Density district, zoning; MF-3, Multi-family Residential Medium Density district, zoning; and GR, Community Commercial district, zoning to SF-6, Townhouse and Condominium Residence district, zoning. First Reading on April 25, 2001; Vote: 6-0. Applicant: Saginaw Partners, Ltd. (Lan Bentsen). Agent: Admiral Construction, Inc. (David Young); Jim Bennett. City Staff: Wendy Walsh, 974-7719. Note: a Valid Petition has been filed in opposition to this rezoning request.

**The public hearing was closed on Council Member Wynn's motion, Mayor Garcia's second by a 6-0 vote. Council Member Slusher abstained.**

**The second reading of this ordinance was approved on Council Member Wynn's motion, Council Member Alvarez' second by a 5-1-1 vote. Mayor Pro Tem Goodman voted no. Council Member Slusher abstained.**

30. Approve an ordinance on second/third reading amending the Austin Tomorrow Comprehensive Plan by adopting the North Loop Neighborhood Plan for the area bounded by Lamar Boulevard on the west, Koenig Lane on the north, Interstate Highway 35 on the east, and 45<sup>th</sup> Street/Red River Street/51<sup>st</sup> Street on the south. (There is no fiscal impact associated with adopting the North Loop Neighborhood Plan. An estimate of the fiscal impact to implement all of the recommendations in the plan is \$890,570 (plus \$10,000 annual maintenance costs). This plan is advisory and does not legally obligate the Council to implement any particular recommendation.) **Ordinance No. 020523-30 was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

31. C14-02-0009 – North Loop Neighborhood Plan Rezoning - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the North Loop Neighborhood Plan area bounded on the north by Koenig Lane, on the east by Interstate Highway 35, on the south by 45th Street/ Red River Street/ 51st Street, and on the west by Lamar Boulevard (Waller Creek and Boggy Creek Watersheds). The proposed zoning change will: 1) add a NP, Neighborhood Plan Combining District (NPCD) to each base zoning district in the plan area; 2) permit the secondary apartment, small lot amnesty, and corner store special uses as permitted uses on any lot in the area; 3) permit a neighborhood mixed use building special use for Tracts 2, 3, 4a, 4b, 4c, 5a, 5b, 9-22, 24, 25a, 25b, 26a, 26b, 26c, 27a, 27b, 28-35, 36a, 36b, 36c, 37, 38, 39a, 39b, 39c, 40, 41a, 41b, 42-49, 51-58, 59a, 59b, 60, 61, 66-69, 84, and 99; 4) permit neighborhood urban center special use for Tracts 1a, 1b, 1c, 11-22, 24, 25a, and 25b; 5) add a conditional overlay (CO) combining district for 95 tracts, including Tracts 1-5, 7-56, 58-76, 77b, 80-99 and 101; and 6) change the base zoning districts on 101 tracts of land: from: Family Residence (SF-3) district; Multi-Family Residence-Low Density (MF-2) district, Multi-Family Residence-Medium Density (MF-3) district, Limited Office (LO) district, General Office (GO) district, Neighborhood Commercial (LR) district, Community Commercial (GR) district, Community Commercial-Conditional Overlay Combining (GR-CO) district, General Commercial Services (CS) district, Commercial Services-Conditional Overlay Combining (CS-CO) district, Commercial-Liquor Sales (CS-1) district, and Commercial Liquor Sales-Conditional Overlay Combining (CS-1-CO) district; to grant Family Residence-Neighborhood Plan Combining (SF-3-NP) district, Multi-Family Residence-Low Density-Neighborhood Plan Combining (MF-2-NP) district, Multi-family Residence-Medium Density-Neighborhood Plan Combining (MF-3-NP) district, Multifamily Residence Moderate-High Density-Conditional Overlay-Neighborhood Plan Combining (MF-4-CO-NP) district, Neighborhood Office-Neighborhood Plan Combining (NO-NP) district, Limited Office-Neighborhood Plan Combining (LO-NP) district, Limited Office-

Mixed Use-Neighborhood Plan Combining (LO-MU-NP) district, Limited Office-Conditional Overlay-Neighborhood Plan Combining (LO-CO-NP) district, Limited Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (LO-MU-CO-NP) district, General Office-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (GO-MU-CO-NP) district, Neighborhood Commercial-Conditional Overlay-Neighborhood Plan Combining (LR-CO-NP) district, Neighborhood Commercial-Mixed Use-Neighborhood Plan Combining (LR-MU-NP) district; Neighborhood Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (LR-MU-CO-NP) district, Community Commercial-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (GR-MU-CO-NP) district, Community Commercial-Conditional Overlay-Neighborhood Plan Combining (GR-CO-NP) district, General Commercial Services-Conditional Overlay-Neighborhood Plan Combining (CS-CO-NP) district, General Commercial Services-Mixed Use-Conditional Overlay-Neighborhood Plan Combining (CS-MU-CO-NP) district, Commercial Liquor Sales-Conditional Overlay-Neighborhood Plan Combining (CS-1-CO-NP) district, and Public-Neighborhood Plan Combining (P-NP) district. First Reading on April 4, 2002. Vote: 7-0. City Staff: Steve Barney, Neighborhood Planning & Zoning Department, 974-6389; Sherri Gager, Neighborhood Planning & Zoning Department, 974-3057. Note: A valid petition has been filed by a property owner in opposition to this rezoning request.

**The motion to adopt NPCD zoning but remove "transitional housing" from the list of prohibited uses but maintain it as a conditional use along the IH-35 corridor failed on Council Member Alvarez' motion, Council Member Slusher's second on a 4-3 vote. Those voting aye were: Council Members Alvarez, Slusher, Wynn and Thomas. Those voting nay were Mayor Garcia, Mayor Pro Tem Goodman and Council Member Griffith. Passage of this item required a minimum of five votes due to the valid petition.**

**Ordinance No. 020523-31 was approved on two separate votes, adopting NPCD zoning as recommended. The first vote on all properties except those with valid petitions in Tract 10 was on Council Member Griffith's motion, Mayor Garcia's second and passed by a 7-0 vote. The separate vote to approve passage of the ordinance regarding the properties in Tract 10 subject to a valid petition also passed on all three readings by a 7-0 vote on a motion by Mayor Pro Tem Goodman's motion with a second by Council member Alvarez' second.**

82. Conduct a public hearing on an ordinance amending Chapter 25-2 of the City Code to allow the creation of subdistricts within a neighborhood planning combining district.  
**This item was postponed to June 27, 2002 at staff's request.**
83. Conduct a public hearing to consider an appeal of the Zoning and Platting Commission's decision to deny an administrative amendment to the Harris Branch Planned Unit Development Land Use Plan. The proposed site is located at 1375 U.S. Highway 290 East at Harris Branch Parkway. File # C814-90-0003.12. Appellant: John McCullough, HB Properties, Ltd., applicant for Harris Branch Planned Unit Development. Agent: Charles Steinman, 454-6777. City Staff: Susan Villarreal, Watershed Protection and Development Review Department, 974-6319.  
**This item was postponed to June 27, 2002 at staff's request.**
84. Conduct a public hearing to receive citizen comments on amendments to the City's 2001-2002 annual Action Plan required by the U. S. Department of Housing and Urban Development (HUD); amendments to the City's 2001-2002 Community Development Program required by Chapter 373, Texas Local Government Code (Code); the City's proposed 2002-2003 annual Action Plan required by HUD; and the City's proposed 2002-2003 Community Development Program required by the Code. This is the first of two City Council public hearings on this Plan. The second public hearing will be held on June 27, 2002

**The public hearing was closed on Council Member Griffith's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

85. Conduct a public hearing and consider approving a use agreement of approximately 6.569 acres (286,130 square feet) to allow construction of the Creek Bend Flood Control Project Phase II through dedicated parkland known as Williamson Creek Park, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (All costs associated with the project as well as any parkland restoration will be paid by the requestor with previously approved CIP funds.)  
**The public hearing was closed on Council Member Slusher's motion, Council Member Alvarez' second by a 7-0 vote.**

**Resolution No. 020523-85 was approved on Mayor Pro Tem Goodman's motion, Mayor Garcia's second by a 7-0 vote.**

86. Conduct a public hearing and approve an ordinance amending the Comprehensive Plan, by amending the 2025 Austin Metropolitan Area Transportation Plan (AMATP) to change the designation of portions of Duval Road, from US 183(N) to Loop 1 (N), and to delete Northeast Drive, from US 290(E) to Manor Rd. Plan. (Recommended by Urban Transportation Commission and Environmental Board and Planning Commission)  
**The motion to close the public hearing was approved on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.**

**Ordinance No. 020523-86 was approved on Council Member Griffith's motion, Council Member Wynn's second by a 7-0 vote.**

24. Approve a resolution authorizing execution of a legal services agreement with JACKSON WALKER, LLP for negotiating and drafting documents related to the Redevelopment of Robert Mueller Municipal Airport project in an amount not to exceed \$500,000. [The Master Developer, Catellus Development Corporation, is required to fund legal costs associated with the negotiation of the Exclusive Negotiation Agreement (ENA) and will submit a \$150,000 deposit toward the recovery of these costs. Continued quarterly deposits to reimburse expenses will be based on cost. Funding is available in the 2001-2002 Approved Operating Budget of the Economic Growth and Redevelopment Services Office to authorize the full amount of this contract prior to receiving reimbursement.]  
**The motion to award the contract to the alternate firm, Thompson and Knight, was made by Council Member Slusher and seconded by Council Member Alvarez.**

**The substitute motion to approve staff's recommendation to award the contract to Jackson Walker failed on Council Member Wynn's motion, Council Member Griffith's second 3-3-1. Those voting aye were: Council Members Griffith, Thomas and Wynn. Those voting nay were: Mayor Garcia and Council Members Alvarez and Slusher. Mayor Pro Tem Goodman abstained.**

**Resolution No. 020523-24 awarding the contract to Thompson and Knight was approved on Council Member Slusher's motion, Council Member Alvarez' second by a 4-3 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Alvarez and Slusher. Those voting nay were: Council Members Griffith, Thomas and Wynn.**

47. Approve a resolution authorizing execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (H-GAC), Houston, Texas, for the purchase of 33 various light duty trucks and vans in the amount of

\$609,224.20. (Funding in the amount of \$331,020.01 is available in the 2001-2002 Operating Budget of Fleet Services, Fleet Fund; \$116,171.41 was included in the 2001-2002 Amended Capital Budget of the Electric Utility Department; and \$162,032.78 was included in the 2001-2002 Capital Budget of the Solid Waste Services Department.) These vehicles have been competitively bid through H-GAC and will be supplied by Philpott Motors, Inc., Port Neches, Texas.

**Resolution No. 020523-47 was approved on Council Member Alvarez' motion, Council Member Thomas' second by a 7-0 vote.**

**The motion to suspend the rules to go past 10:00 p.m. was approved on Council Member Thomas' motion, Mayor Pro Tem Goodman's second by a 7-0 vote.**

61. Amend Ordinance No. 010910-02, the 2001-2002 Capital Budget, by increasing appropriations to the Water and Wastewater Utility by \$565,000 and creating a new wastewater project known as "Onion Creek Wastewater Corporation Purchase" for \$565,000. (Funding will be provided from the proceeds of debt issuance.) (Related Item Nos. 62 and 63)

**Resolution No. 020523-61 was approved on Council Member Slusher's motion, Mayor Garcia's second by a 7-0 vote.**

62. Approve a resolution to declare official intent to reimburse acquisition costs in the amount of \$565,000 to be paid for the Onion Creek Wastewater Package Treatment Plant and related infrastructure from the Onion Creek Wastewater Corporation. (The amount of \$565,000 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Related Item Nos. 61 and 63)

**Resolution No. 020523-62 was approved on Council Member Slusher's motion, Mayor Garcia's second by a 7-0 vote.**

63. Adopt a resolution authorizing the City Manager to negotiate and execute an agreement to purchase the Onion Creek wastewater treatment facilities and appurtenances from the Onion Creek Wastewater Corporation that provide wastewater utility service to customers in the Onion Creek subdivision area. (Related Item Nos. 61 and 62)

**Resolution No. 020523-63 was approved on Council Member Slusher's motion, Mayor Garcia's second by a 7-0 vote.**

65. Approve a resolution consenting to the provision of 41 LUEs of out-of-district wastewater service from the Lost Creek MUD to Las Cimas Associates, L.P. for the development of 9.65 acres located at 912 South Capital of Texas Highway with certain requirements. (No City funds are expended for the provision of this service. Lost Creek MUD operates its own wastewater treatment plant.) (Recommended by Water and Wastewater Commission and Planning Commission)

**This item was postponed indefinitely.**

**The motion to adjourn the meeting at 10:25 p.m. was approved on Council Member Slusher's motion, Mayor Garcia's second by a 7-0 vote.**

